



# भारत का राजपत्र The Gazette of India

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

RAJYA SABHA

The following Bill was introduced in Rajya Sabha on the 13th December, 1985:—

BILL No. XXV of 1985

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1985.
2. In article 311 of the Constitution,—
  - (i) Clause (2) shall be omitted;
  - (ii) Clause (3) shall be omitted.

Short  
title.

Amend-  
ment of  
article  
311.

## STATEMENT OF OBJECTS AND REASONS

The recent judgement of the Supreme Court on article 311(2) of the Constitution of India upholding the right of the Government to dismiss or remove from service or reduce in rank, a civil servant without an inquiry or without giving him a chance of being heard, will reduce in status of the civil servants. The conduct-rules governing the service conditions of Government employees which were framed by the British to keep the Indian bureaucracy under their thumb, are still being continued in varying degrees by successive Governments even after 38 years of Independence. The previous Governments have put the civil servants at the mercy of the higherups in the hierarchy, leaving little hope for them.

This ruling of the Supreme Court will definitely stop the flow of efficient and the highly qualified persons into public services and they may go to foreign countries or join the private sector where they are governed by various Labour Laws and principles of natural justice with better perks and service conditions.

In order to remove this lacuna, deletion of clause (2) and clause (3) of article 311 is sought.

Hence this Bill.

DR. BAPU KALDATE

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SUDARSHAN AGARWAL,  
*Secretary General.*